

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve -----
In accordance with Section 104.1 the existing non-conforming use
located at 13501 Falls Road as a general store

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____ Legal Owner(s): _____
 (Type or Print Name) _____
 Signature _____
 Address _____
 City and State _____
 Attorney for Petitioner: _____
 Cook, Howard, Downes & Tracy
 John B. Howard
 (Type or Print Name) _____
 Signature _____
 210 Allegheny Avenue
 Address _____
 Towson, Maryland 21204
 City and State _____
 Attorney's Telephone No.: 823-4111

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
 NE Corner of Falls & Shawan : OF BALTIMORE COUNTY
 Rds. (13501 Falls Rd., :
 8th District :
 FIRST NATIONAL BANK OF : Case No. 213-SPH
 MARYLAND, Trustee-Petitioner :
 : : : : :
 ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
 Phyllis Cole Friedman
 People's Counsel for Baltimore County

Peter Max Zimmerman
 Peter Max Zimmerman
 Deputy People's Counsel
 Rm. 223, Court House
 Towson, MD 21204
 494-2188

I HEREBY CERTIFY that on this 11th day of January, 1985, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
 Peter Max Zimmerman

PETITION FOR SPECIAL HEARING
 8th Election District

LOCATION: Northeast corner of Falls and Shawan Roads (13501 Falls Road)
 DATE AND TIME: Monday, February 4, 1985 at 11:15 a.m.
 PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the existing nonconforming use located at 13501 Falls Road as a general store.

Being the property of First National Bank of Maryland, Trustee as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
 ARNOLD JABLON
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY

IN RE: PETITION SPECIAL HEARING : BEFORE THE
 NE/corner of Falls and Shawan : ZONING COMMISSIONER
 Roads (13501 Falls Road) - : OF BALTIMORE COUNTY
 8th Election District :
 First National Bank of Mary- : Case No. 85-213-SPH
 land, :
 Petitioner :
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a determination as to whether the present use of its property constitutes a legal nonconforming use, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by its attorney, appeared and presented evidence and testimony. Davison White, grandson of Wilbur Miller, founder of the use, and Lacy Winkler, a neighbor who has farmed the adjacent land for over 40 years, appeared on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, zoned R.C.2, is located at the corner of Falls and Shawan Roads. Although Hunt Valley is not too far away, the general area is agricultural and residential. The property has been used as a general store with the dispensing of gasoline since about the 1920's. There are presently six structures on the site, including the main general store, buildings used for storage in connection with the store, a building used for the service station, and an island with two pumps as well as a single pump on the other side of the building. Evidence is clear and uncontradicted that the present buildings were constructed in about 1935, replacing the then existing wood structures. Equally uncontradicted is that the use as a general store with gasoline sales has occurred continuously and without interruption since the 1930's. By affidavit, Grace Miller Whedbee attested to the longevity of the use and its continuation. Mrs. Whedbee is the daughter of Wilbur Miller. Mr. Miller's

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
 TO: Zoning Commissioner Date: January 17, 1985
 FROM: Norman E. Gerber, Director
 Office of Planning and Zoning
 SUBJECT: Zoning Petition No. 85-213-SPH

In view of the subject of this petition, this office offers no comment.

Norman E. Gerber
 Norman E. Gerber, Director

NEG:JGM:bjs

IN RE: : BEFORE THE
 PETITION FOR SPECIAL HEARING : ZONING COMMISSIONER
 NE/CORNER OF FALLS AND :
 SHAWAN ROADS : OF
 (13501 Falls Road) - :
 Eighth Election District :
 First National Bank of :
 Maryland :
 Petitioner : Case No. 85-213-SPH
 * * * * *

ORDER

Upon consideration of the foregoing Motion to Amend the Site Plan filed by Petitioner, it is this 10th day of July, 1987, by the Zoning Commissioner of Baltimore County, ORDERED:
 That the Motion to Amend the Site Plan to permit the addition of a deck for food service to the existing general store is granted.

Arnold Jablon
 Arnold Jablon
 Zoning Commissioner

grandson and Mr. Winkler concurred that the use of the property has been continuous and uninterrupted. All agreed that there have never been major automotive repairs on the property.

The Petitioner seeks relief pursuant to Sections 104.1 and 500.7, Baltimore County Zoning Regulations (BCZR).

The uncontroverted testimony, which was amply supported, conclusively indicated that the property has been used continuously and without interruption as a general store with gasoline sales but without major automotive repairs since at least the 1930's. This constitutes a legal nonconforming use. After due consideration of the testimony and evidence presented, it is clear that a nonconforming use does exist.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of February, 1985, that a nonconforming use for a general store with gasoline sales is approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. If the nonconforming use is expanded, a revised site plan, delineating the square footage of the existing buildings, must be submitted to the Zoning Commissioner amending the site plan introduced as Petitioner's Exhibit 1. Additionally, a Motion to Amend the Site Plan, explaining therein the reasons for the amendment and clarifying the proposed expansion, must be filed.
2. Within five days of receipt of said Motion, the Petitioner shall, at its own expense, conspicuously post notice on the property to which the proposed amendment relates. Said notice must be maintained in compliance with the standard rules promulgated by the Zoning Commissioner for at least 15 days and must include the address of the property, describe the proposed amendment, state that an eligible individual or group may file a

demand for a public hearing on the proposed amendment, set forth the time in which such must be filed if it is to be accepted, and state that further information may be obtained from the Zoning Commissioner's office. Said demand must be received no later than the close of business on the twenty-second day after the Motion is accepted. The appropriate text of such notice may be as described in Section VIII.A.4.f.(5), Comprehensive Manual of Development Policies (CMDF).

3. If a valid request for a public hearing is filed before the time set forth above, the proposed amendment will be subject to a public hearing pursuant to Section 500.6, BCZR.

Arnold Jablon
 Zoning Commissioner of
 Baltimore County

AJ/srl
 cc: Robert A. Hoffman, Esquire
 People's Counsel

ORDER RECEIVED FOR FILING

DATE: January 20, 1985
 BY: *John P. Langford*
 ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING

Date: July 20, 1987
 By: *John P. Langford*
 ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING

DATE: January 20, 1985
 BY: *John P. Langford*
 ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING

DATE: January 20, 1985
 BY: *John P. Langford*
 ADMINISTRATIVE ASSISTANT

88-00567
Exhibit 1
off 6/1/87

IN RE: * BEFORE THE
PETITION FOR SPECIAL HEARING * ZONING COMMISSIONER
NE/CORNER OF FALLS AND SHAWAN ROADS (13501 Falls Road) - 8th Election District * OF
First National Bank of Maryland * BALTIMORE COUNTY
Petitioner * Case No. 85-213-SPH
* * * * *

MOTION TO AMEND THE SITE PLAN

Petitioner, by John B. Howard and Robert A. Hoffman with Cook, Howard, Downes & Tracy, hereby moves to amend the site plan introduced as Petitioner's Exhibit 1 in Case No. 85-213-SPH, which approved the existing store at Falls and Shawan Roads as a valid non-conforming general store with gasoline sales with restrictions, and for reasons states the following:

1. That the Order contained the following restrictions:

(1. If the non-conforming use is expanded, a revised site plan, delineating the square footage of the existing buildings, must be submitted to the Zoning Commissioner amending the site plan introduced as Petitioner's Exhibit 1. Additionally

RECEIVED
JUL 7 1987
ZONING OFFICE

Motion to Amend the Site Plan explaining therein the reasons for the amendment and clarifying the proposed expansion, must be filed.
(ii) Within five (5) days of receipt of said Motion, the Petitioner shall, at its own expense, conspicuously post notice on the property to which the proposed amendment relates. Said notice must be maintained in compliance with the standard rules promulgated by the Zoning Commissioner for at least fifteen (15) days and must include the address of the property, describe the proposed amendment, state that any eligible individual or group may file a demand for a public hearing on the proposed amendment, set forth a time in which such must be filed if it is to be accepted, and state that further information may be obtained from the Zoning Commissioner's office. Said demand must be received no later than the close of business on the 22nd day after the Motion is accepted. Appropriate text of such notice may be as described in Section

2

VIII.A.4.f.(5), Comprehensive Manual of Development Policies (CMDP).

(iii) If a valid request for a public hearing is filed before the time set forth above, the proposed amendment will be subject to a public hearing pursuant to Section 500.6, BCZR.

2. That in conformance with those restrictions Petitioner's Exhibit 1 now delineates the square footage of each of the existing buildings.

3. That Petitioner now desires to expand its non-conforming use to permit an approximately 957.25 square foot enclosed addition and patio attached to Building No. 1, as shown more specifically on Petitioner's Exhibit 1 attached hereto.

4. That the total ground floor area of the buildings which were approved in Case No. 85-213-SPH, less Building No. 4 which has subsequently been razed, totals 3897.5 square feet. Pursuant to Section 104 of the Baltimore County Zoning Regulations (BCZR), an addition of twenty-five percent (25%) of the ground floor area would be permitted, thus allowing for a maximum 974.38 square foot expansion.

5. The expansion would be for food service for food prepared in Building No. 1, and served to patrons seated in the addition or on the patio.

3

6. That the use of the addition and patio for food service is in keeping with the uses permitted in Case No. 85-213-SPH as a "general store" use and in compliance with Section 104 B.C.Z.R.

WHEREFORE, Petitioner respectfully requests that the herein Motion to Amend the Site Plan in Case No. 85-213-SPH to permit the addition of 957.25 square feet to the existing store be granted.

John B. Howard
JOHN B. HOWARD

Robert A. Hoffman
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
301-823-4111
Attorneys for Petitioner

4

IN RE: PETITION SPECIAL HEARING * BEFORE THE
NE/corner of Falls and Shawan Roads (13501 Falls Road) - 8th Election District * ZONING COMMISSIONER
First National Bank of Maryland, * OF BALTIMORE COUNTY
Petitioner * Case No. 85-213-SPH
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a determination as to whether the present use of its property constitutes a legal nonconforming use, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by its attorney, appeared and presented evidence and testimony. Davison White, grandson of Wilbur Miller, founder of the use, and Lacy Wingle, a neighbor who has farmed the adjacent land for over 40 years, appeared on behalf of the Petitioner. There were no Protestants.

Testimony indicated that the subject property, zoned R.C.2, is located at the corner of Falls and Shawan Roads. Although Hunt Valley is not too far away, the general area is agricultural and residential. The property has been used as a general store with the dispensing of gasoline since about the 1920's. There are presently six structures on the site, including the main general store, buildings used for storage in connection with the store, a building used for the service station, and an island with two pumps as well as a single pump on the other side of the building. Evidence is clear and uncontradicted that the present buildings were constructed in about 1935, replacing the then existing wood structures. Equally uncontradicted is that the use as a general store with gasoline sales has occurred continuously and without interruption since the 1930's. By affidavit, Grace Miller Whedbee attested to the longevity of the use and its continuation. Mrs. Whedbee is the daughter of Wilbur Miller. Mr. Miller's

grandson and Mr. Wingle concurred that the use of the property has been continuous and uninterrupted. All agreed that there have never been major automotive repairs on the property.

The Petitioner seeks relief pursuant to Sections 104.1 and 500.7, Baltimore County Zoning Regulations (BCZR).

The uncontroverted testimony, which was amply supported, conclusively indicated that the property has been used continuously and without interruption as a general store with gasoline sales but without major automotive repairs since at least the 1930's. This constitutes a legal nonconforming use. After due consideration of the testimony and evidence presented, it is clear that a nonconforming use does exist.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of February, 1985, that a nonconforming use for a general store with gasoline sales is approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. If the nonconforming use is expanded, a revised site plan, delineating the square footage of the existing buildings, must be submitted to the Zoning Commissioner amending the site plan introduced as Petitioner's Exhibit 1. Additionally, a Motion to Amend the Site Plan, explaining therein the reasons for the amendment and clarifying the proposed expansion, must be filed.
2. Within five days of receipt of said Motion, the Petitioner shall, at its own expense, conspicuously post notice on the property to which the proposed amendment relates. Said notice must be maintained in compliance with the standard rules promulgated by the Zoning Commissioner for at least 15 days and must include the address of the property, describe the proposed amendment, state that an eligible individual or group may file a

- 2 -

demand for a public hearing on the proposed amendment, set forth the time in which such must be filed if it is to be accepted, and state that further information may be obtained from the Zoning Commissioner's office. Said demand must be received no later than the close of business on the twenty-second day after the Motion is accepted. The appropriate text of such notice may be as described in Section VIII.A.4.f.(5), Comprehensive Manual of Development Policies (CMDP).

3. If a valid request for a public hearing is filed before the time set forth above, the proposed amendment will be subject to a public hearing pursuant to Section 500.6, BCZR.

Robert A. Hoffman
Zoning Commissioner of Baltimore County

AJ/srl

cc: Robert A. Hoffman, Esquire
People's Counsel

- 3 -

11-10-87

IN RE: * Before the
PETITION FOR * Zoning Commission
SPECIAL HEARING * for Baltimore County
N/E CORNER OF * Case No. 213-SP8
FALLS & SHAWAN ROADS
8th ELECTION DISTRICT
FIRST NATIONAL BANK
OF MARYLAND, TRUSTEE
PETITIONER

AFFIDAVIT OF T. COURTENAY J. WHEDBEE

My name is T. Courtenay J. Whedbee. I am over twenty-one years of age, competent to testify, and make this affidavit upon my personal knowledge.

The Shawan Store, located on the northeast corner of Falls and Shawan Roads, is owned by the First National Bank, Trustee under the Will of C. Wilbur Miller, deceased. I am the husband of Grace Miller Whedbee who is the daughter of the late C. Wilbur Miller. I became familiar with the Miller property, including the store in 1945, and I have personal recollections as to the store's existence and use up to the present day. I have lived within one-quarter of a mile from the store for the past 20 years and prior to that time lived within several miles. I am also aware of the history of the store as it was related to me by my wife and her father.

A general store was operated on the northeast corner of Shawan and Falls Roads in the 1920's. In approximately 1935, the present stone structures were constructed to replace the old store building which was made of wood. Upon completion, the store was occupied and operated as a general store selling general merchandise, food stuffs and beverages. The buildings and property have been used as a store continuously from the time of construction until the present date. For many years, the store was operated by John Brown, and the store was known as John Brown's Store. John Brown was the proprietor from prior to 1935 to approximately 1975. Upon John Brown's retirement, the store operations were sold to Vincent Lynch who operated it until 1982 at which time he sold the store operation to the present operators, Fallon Enterprises, Inc. and William G. Fallon.

In addition to the main building, which is also used as a residence for the proprietors of the store, there are several other buildings that have been used with the store operation.

These include a garage that has been used for storage of inventory, a storage shed, a small shed used for a utility room, and a building used for the operations of the gas pumps and business associated with fueling and servicing automobiles. In addition, the parking area around these buildings has been in continuous use in conjunction with the operations with the store and gas pumps.

The use of the property has remained basically unchanged since well before 1945.

T. Courtenay J. Whedbee
T. Courtenay J. Whedbee

Subscribed and sworn before me this 28th day of January, 1985.

James G. Price
Notary Public

My Commission expires: 7/1/86

IN RE: * Before the
PETITION FOR * Zoning Commission
SPECIAL HEARING * for Baltimore County
N/E CORNER OF * Case No. 213-SP8
FALLS & SHAWAN ROADS
8th ELECTION DISTRICT
FIRST NATIONAL BANK
OF MARYLAND, TRUSTEE
PETITIONER

AFFIDAVIT OF GRACE MILLER WHEDBEE

My name is Grace Miller Whedbee. I am over twenty-one years of age, competent to testify and make this affidavit upon personal knowledge.

The Shawan Store, located on the northeast corner of Falls and Shawan Roads is owned by the First National Bank Trustee under the Will of C. Wilbur Miller, deceased. I am a daughter of C. Wilbur Miller. I have lived within a short distance of the Shawan Store since childhood and have personal recollections as to when the present store buildings were built as a store and their use up to the present day.

A general store was operated on the northeast corner of Shawan and Falls Roads in the 1920's. In approximately 1935, the present stone structures were constructed to replace the old store building which was made of wood. Upon completion, the store was occupied and operated as a general store selling general merchandise, food stuffs and beverages. The buildings and property have been used as a store continuously from the time of construction until the present date. For many years, the store was operated by John Brown, and the store was known as John Brown's Store. John Brown was the proprietor from prior to 1935 to approximately 1975. Upon John Brown's retirement, the store operations were sold to Vincent Lynch who operated it until 1982 at which time he sold the store operation to the present operators, Fallon Enterprises, Inc. and William G. Fallon.

In addition to the main building, which is also used as a residence for the proprietors of the store, there are several other buildings that have been used with the store operation. These include a garage that has been used for storage of inventory, a storage shed, a small shed used for a utility room, and a building used for the operations of the gas pumps and

business associated with fueling and servicing automobiles. In addition, the parking area around these buildings has been in continuous use in conjunction with the operations with the store and gas pumps.

The use of the property has remained basically unchanged since well before 1945.

Grace Miller Whedbee
Grace Miller Whedbee

Subscribed and sworn before me this 28th day of January, 1985.

James G. Price
Notary Public

My Commission expires: 7/1/86

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 28, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 174 - Case No. 85-213-SPH
Estate of C. Wilbur Miller
Special Hearing Petition

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

Maryland Department of Transportation

State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Administrator

December 28, 1984

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Z.A.C. Meeting 12/26/84
Property Owner: Estate of C. Wilbur Miller
Location: NE/Cor.
Falls Road (Rte 25) and
Shawan Road
Existing Zoning: R.C. 2
Proposed Zoning: Spec.
hearing to approve a non-conforming use (General Store)
District 8th

Dear Mr. Commodari,

No plan was submitted with the petition, therefore we have no knowledge of what is proposed in the way of improvements or changes to the site.

In the event that any significant changes are made, it may be necessary for the petitioner to improve the Falls Road frontage.

Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engr. Access Permits

by: John Meyers

CL-JM/es

cc: J. Ogile
G. Wittman

My telephone number is 301-659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-4511 D.C. Metro - 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

January 7, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Estate of C. Wilbur Miller

Location: NE/Cor. Falls Road and Shawan Road

Item No.: 174 Zoning Agenda: Meeting of 12/26/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: *Paul H. Reincke* Noted and Approved: *Roy W. Hammer*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 21, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 174 -ZAC Meeting of December 26, 1984
Property Owner: Estate of C. Wilbur Miller
Location: NE/Cor. Falls Road and Shawan Road
Existing Zoning: R.C.2
Proposed Zoning: Special Hearing to approve a non-conforming use (General Store).

Address: 8th
District:

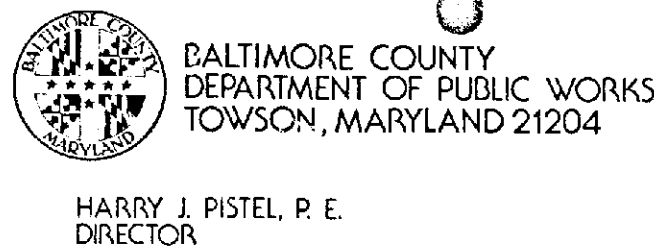
Dear Mr. Jablon:

The Department of Traffic Engineering has not received a site plan for item #174.

Michael S. Flanagan
Traffic Engineering Assoc. III

MSF/can

11-10-87



HARRY J. PISTEL, P.E.
DIRECTOR

January 25, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #174 (1984-1985)
Property Owner: Estate of C. Wilbur Miller
N/E cor. Falls Rd. and Shawan Rd.
Acres: 1.8
District: 8th

Dear Mr. Jablon:

The following comments are furnished in regard to the subject zoning item.

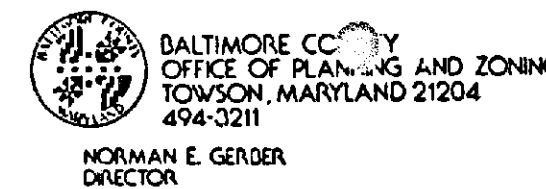
General:

As no public facilities are involved, this office has no comment.

Very truly yours,

James A. Markle, P.E., Chief
Bureau of Public Services

JAM:EAM:ROP:ss



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

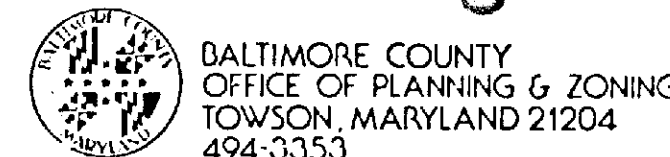
Re: Zoning Advisory Meeting of 12/26/84
Item # 174
Property Owner: ESTATE OF C. WILBUR MILLER
Location: N/E COR. FALLS RD. & SHAWAN RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplains is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on 1/17/85.
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- () The property is located in a traffic area controlled by a "B" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:

Eugene A. Boer
Chief, Current Planning and Development



ARNOLD JABLON
ZONING COMMISSIONER

January 29, 1985

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
NE/cor. Falls and Shawan Roads
(13501 Falls Road)
1st National Bank of MD, Trustee - Petitioner
Case No. 85-213-SPH

Dear Mr. Howard:

This is to advise you that \$54.56 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 004952

DATE: 1-29-85 ACCOUNT: 85-213-SPH

RECEIVED FROM: *John B. Howard, Esquire*

FOR: *Advertising and Posting*

VALIDATION OR SIGNATURE OF CASHIER

December 27, 1984

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Special Hearing
NE/cor. Falls and Shawan Roads
(13501 Falls Road)
1st National Bank of MD, Trustee - Petitioner
Case No. 85-213-SPH

TIME: 11:15 a.m.

DATE: Monday, February 4, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 005100

DATE: 1-29-85 ACCOUNT: 85-213-SPH

RECEIVED FROM: *John B. Howard, Esquire*

FOR: *Advertising and Posting*

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 17, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 17, 1985

THE JEFFERSONIAN,

JB Ventral
Publisher

85-213-SPH

Cost of Advertising

\$22.00

PETITION FOR SPECIAL HEARING
8th Election District
LOCATION: Northeast corner of Falls and Shawan Roads (13501 Falls Road)
DATE AND TIME: Monday, February 4, 1985 at 11:15 a.m.
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for Special Hearing for the proposed rezoning of the property located at the Northeast corner of Falls and Shawan Roads (13501 Falls Road) as shown on the plat filed with the Zoning Office, Baltimore County, Maryland, on January 17, 1985. The Zoning Commissioner will hear the testimony of the petitioner and the public. The Zoning Commissioner will also hear the testimony of the public. The Zoning Commissioner will then make a decision on the petition. The decision will be in writing and will be filed with the Zoning Office. The decision will be final and will not be subject to appeal. The Zoning Commissioner will also make a decision on the petition. The decision will be in writing and will be filed with the Zoning Office. The decision will be final and will not be subject to appeal.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

85-213-SPH

District: 8th

Date of Posting: July 10, 1985

Posted for: Special Hearing

Petitioner: First National Bank of Baltimore

Location of property: NE corner of Falls and Shawan Roads

(13501 Falls Road)

Location of Signs: NE corner of Falls and Shawan Roads

Remarks:

Posted by: *A. J. Ventral*

Date of return: July 17, 1985

Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

85-213-SPH

District: 8th

Date of Posting: 1-12-85

Posted for: Special Hearing

Petitioner: First National Bank of Baltimore

Location of property: NE corner of Falls and Shawan Roads

(13501 Falls Road)

Location of Signs: NE corner of Falls and Shawan Roads

Remarks:

Posted by: *A. J. Ventral*

Date of return: 1-16-85

Number of Signs: 1

CERTIFICATE OF PUBLICATION

Towson, Md., 1/29/85

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 consecutive weeks, the first publication appearing on the 17th day of January 1985.

THE TOWSON TIMES

Cost of Advertising: \$27.50

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 18th day of December, 1984.

Arnold Jablon
Zoning Commissioner

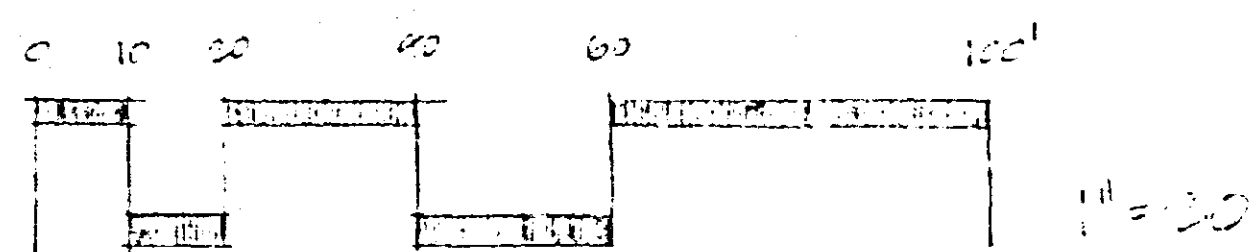
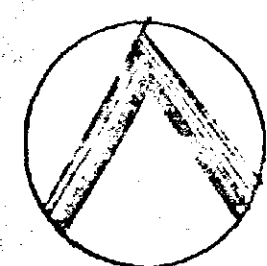
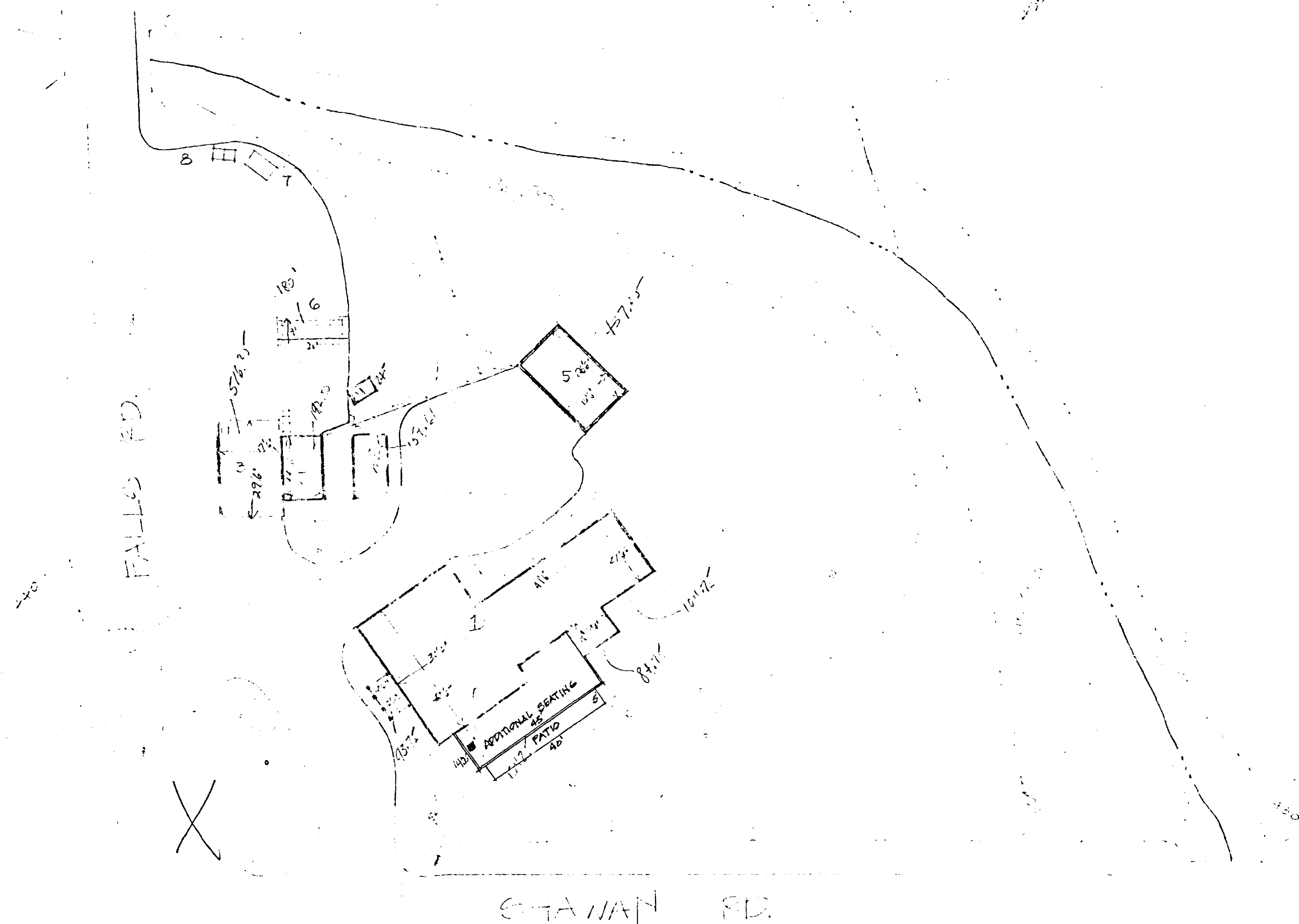
Petitioner: Estate of C. Wilbur Miller
Petitioner's Attorney: John B. Howard, Esquire

Nicholas D. Commodari
Chairman, Zoning Plans
Advisory Committee

11-10-87

LEGEND

- 1 CONVENIENCE STORE
- 2 SERVICE STATION
- 3 GAS PUMPS
- 4 BOTTLE SHED
- 5 GARAGE & STORAGE
- 6 AUTO LIFT
- 7 DUMPSTER
- 8 PHONES



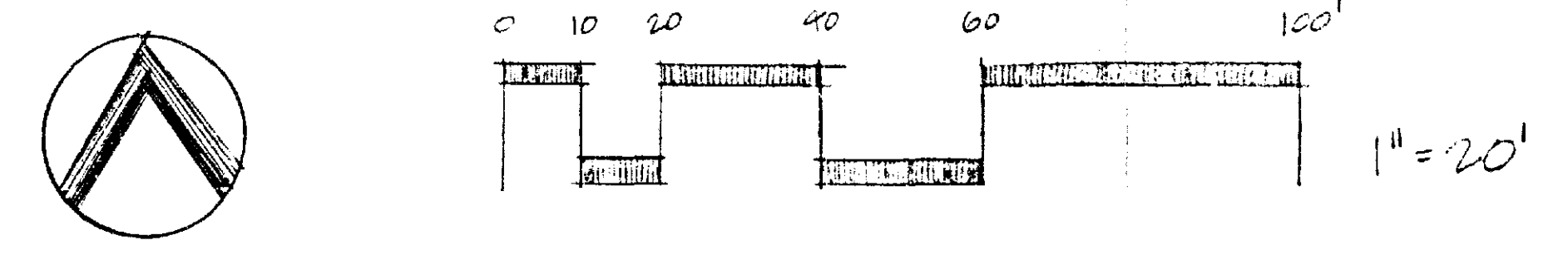
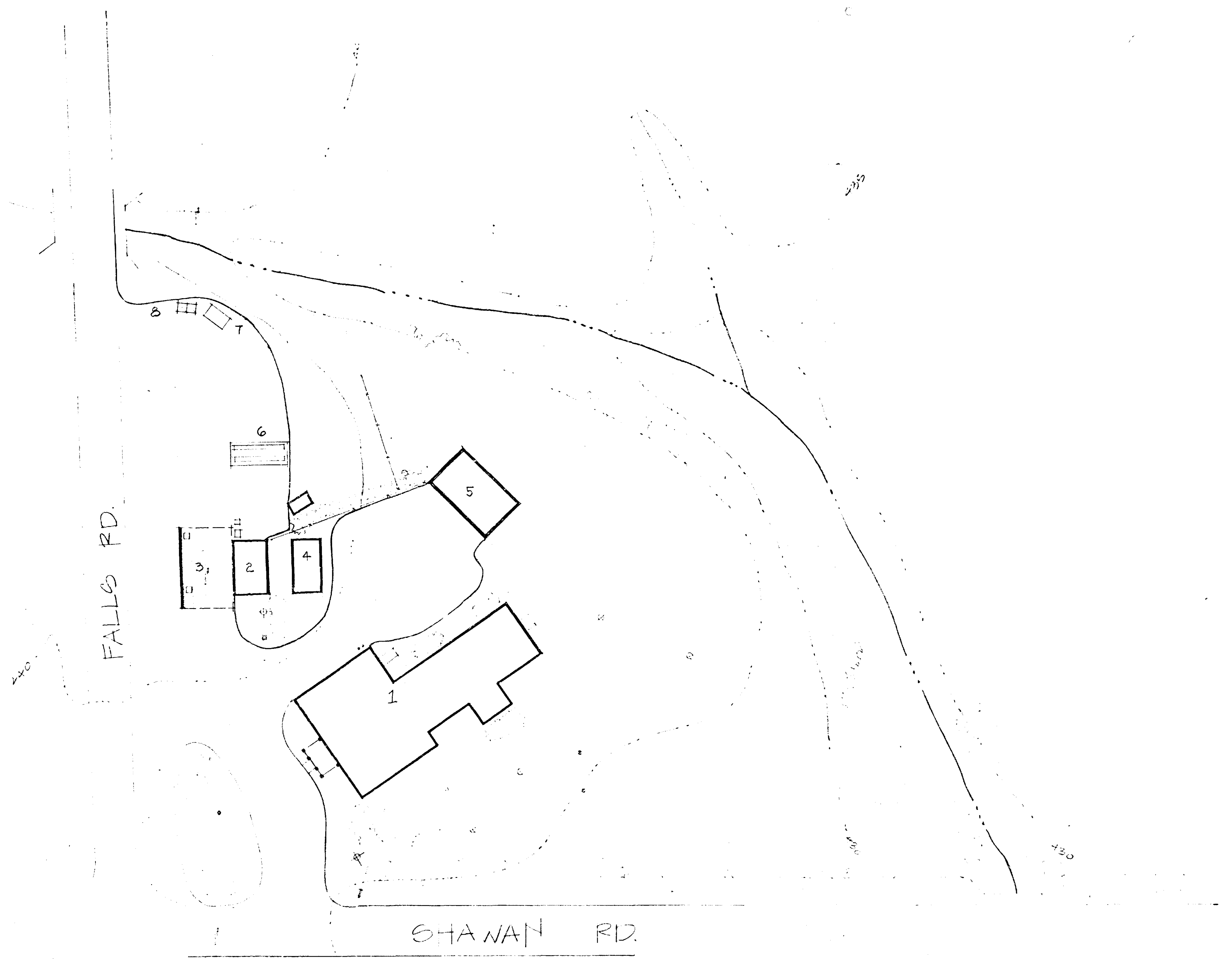
NOAH'S INC
JOHN BROWN STORE
SHAWAN & FALLS RDS BALTIMORE

Refined's
47. #1

85213-SPH

LEGEND

- 1 CONVENIENCE STORE
- 2 SERVICE STATION
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- 4 BOTTLE SHED
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- 7 DUMPSTER
- 8 PHONES



NOAH'S INC
 JOHN BROWN STORE
 SHAWAN and FALLS RDS BALTIMORE 55.313-SPH

DEVELOPER'S
 EXHIBIT 1

UNOFFICIAL